

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Mico Lorenzo Reaves 2019-01326 :

Full Name of Plaintiff : Inmate Number :
: Civil No. _____
v. : (to be filled in by the Clerk's Office)

Warden Timothy M. Betti :
Name of Defendant 1 :
: (✓) Demand for Jury Trial
: () No Jury Trial Demand

Deputy Warden William A. Shanley :
Name of Defendant 2 :
:

Corrections Officer Michael Esposito :
Name of Defendant 3 :
:

Name of Defendant 4 :
:

Name of Defendant 5 :
(Print the names of all defendants. If the names of all
defendants do not fit in this space, you may attach
additional pages. Do not include addresses in this
section).
:

FILED
SCRANTON

SEP 11 2020

PER _____
DEPUTY CLERK

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
 Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
 Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1333, against the United States

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Reaves, Mico L.

Name (Last, First, MI)

2019-01326

Inmate Number

Lackawanna County Prison

Place of Confinement

1371 North Washington Avenue

Address

Scranton, Lackawanna County, PA, 18509

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- Pretrial detainee
 Civilly committed detainee
 Immigration detainee
 Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

[REDACTED] Betti, Timothy

Name (Last, First)

Lackawanna County Prison Warden

Current Job Title

1371 N. Washington Avenue

Current Work Address

Scranton, Lackawanna County, PA, 18509

City, County, State, Zip Code

Defendant 2:

Shanley, William

Name (Last, First)

Deputy Warden

Current Job Title

1371 N. Washington Avenue

Current Work Address

Scranton, Lackawanna County, PA 18509

City, County, State, Zip Code

Defendant 3:

Esposito Michael

Name (Last, First)

Mail Corrections Officer

Current Job Title

1371 N. Washington Avenue

Current Work Address

Scranton, Lackawanna County, PA 18509

City, County, State, Zip Code

Defendant 4:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant 5:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

My legal mail was opened in a unknown location outside my presence on 7/24/2020 around 7:30pm to 7:45pm.

B. On what date did the events giving rise to your claim(s) occur?

Infront of my cell door on 7/24/2020 around 7:30pm to 7:45pm.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

I filed a grievance on 7/24/2020 because my legal mail coming from the Courthouse was opened outside of my presence. According to Federal law (28 CFR Sec 540.19) any and all legal mail must be opened in the presence of an inmate or intended party. Corrections officer Michael Esposito was delivering mail on 7/24/2020 at or between 7:30pm & 7:45pm. When he walked to my cell door held an envelope in the air signaling he had mail for me, he then removed the piece of mail and dropped it on the floor and slid it under the door. I didn't know the mail was legal mail because the back of the mail was being displayed to me until I unfolded the piece of mail and saw it was from my lawyer. I also wrote the post master on this and when the letter came back the mail C/o Michael Esposito saw the response and said to my cell and I "See, this says we can do what the fuck we want with your mail". Michael Esposito also opened my legal mail again on 8/31/2020 from the Human Rights Defense Center as well. Michael Esposito shows no respect for the Federal law.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

Special rules apply to mail between you and your attorney, and to mail you send to non-judicial government bodies or officials. This mail is called "privileged mail", "Legal mail", or "Special mail" and is protected by your constitutional rights of access to the Courts, as well as by the attorney-client privilege. The attorney-client privilege means that the things you write or say to your attorney, or he or she writes or says to you, are secret. Prison officials cannot read your legal mail. But they can open it in your presence to inspect for contraband.

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

My case is now making a turn for the worse and key details about my case were exposed outside of my presence.

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

I am requesting monetary relief and that defendants be held responsible for breaking federal law and removed, relieved, and terminated from there duties.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

Mirra Reeves

Signature of Plaintiff

9/9/2020

Date

LACKAWANNA COUNTY PRISON
INMATE GRIEVANCE FORM

Form LCP-001

For Official Use Only

Grievance #: 2020-0811-001

Date Received: 8/1/2020

Inmate's Name: Mico L. Reaves

Date: 7/25/2020

LCP Permanent #: 2019-01326

Housing Unit: D-30

I. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one LCP-001 form and one one-sided 8 1/2" x 11" page). I am filing this grievance form because on 7/24/2020 between the hours of 7:30pm & 7:45pm my legal mail was not opened in my presence. According to Federal Law (28 C.E.R Sec 540.19) Any and all legal mail must be opened in the presence of the Inmate or Intended party. Michael Esposito was delivering mail on 7/24/2020 at or between 7:30pm & 7:45pm when he walked to my cell. He held an envelope in the air signaling he had mail for me, he then removed the piece of mail and dropped it on the floor and slid it under the door. I didn't know the mail was legal because the back of the mail was being displayed to me until I unfolded the piece of mail and saw it was from my lawyer.

II. Have informal resolution procedures been exhausted? Yes No

Who did you talk to in an attempt to informally resolve your complaint?

Name and title: CO Demuth (Weekend Mail) (0)

Date: 7/27/2020 (7:50pm)

What was their response? Legal mail must be opened in the presence of the Inmate.

Name and title: CO McHale

Date: 8/2/2020 (1:00pm)

What was their response? He believes legal mail is suppose to be opened in front of Inmate & I should file grievance if I feel it was wrong to open my legal mail.

Sergeant's name: Delfina

Date: 7/30/2020 (9:32am)

What was their response? He believes legal mail is suppose to be opened in front of Inmate. He also thinks Deputy Warden may have authorized mail CO to open legal mail because of GP units getting false legal mail.

III. Why has informal resolution not been successful and what specific relief are you seeking?

Mail Corrections officer Michael Esposito Went against Lackawanna County Prison Own legal mail policy (Pg. 20). Pg 20 of the Lackawanna County Prison handbook Clearly States that mail must be opened in the presence of the Inmate. Unfortunately there is no Specific relief because the damage is already done. Michael Esposito's actions resulted in Violation of Federal Law 28 C.F.R Sec 540.19.

NOTE: A FALSE STATEMENT MAY RESULT IN DISCIPLINARY ACTION

Inmates' Signature: Marco Revere

Date: 8/3/2020

The following is completed by the investigating official:

IV. Your grievance is being returned and was not processed for the following reason(s):

You have not attempted informal resolution

Your grievance has been ruled "non-grievable"

Grievable time period has expired

You did not provide sufficient details, i.e., what, when, who, etc.

No specific relief is stated

This issue has already been grieved by you (Grievance #)

Your grievance was not completely filled out

You did not provide any specific "action requested"

You requested resolution on more than one issue

Other (explanation provided)

V. Decision: Denied Granted Dismissed Resolved

Explanation: At this point I can only reiterate to Staff that legal mail can only be opened while in the presence of the inmate. If you think it was opened prior there is no way for me to verify. The legal mail should have been addressed at that time with a ~~soft~~ ~~soft~~ command

IF DISSATISFIED WITH THIS DECISION, YOU MAY FILE AN APPEAL WITHIN SEVEN (7) WORKING DAYS OF RECEIPT OF THIS RESPONSE BY COMPLETING THE GRIEVANCE APPEAL FORM.

Signature and Title: Alleen Ozer

Date: 8/11/2020

Date Returned to Inmate: _____ Staff Member: _____

Submitted in
grievance Box on
8/31/20

LACKAWANNA COUNTY PRISON
INMATE GRIEVANCE FORM

Form LCP-001

For Official Use Only

Grievance #:

Date Received:

Inmate's Name: Mico L. Reaves

Date: 8/31/20

LCP Permanent #: 2019-01326

Housing Unit: Charlie (D30)

I. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one LCP-001 form and one one-sided 8 1/2" x 11" page). I am filing this grievance due to

the fact of not getting responses in a timely manner as stated per the jail handbook (pg 11). "All grievances shall be handled in the most expeditious manner possible, but shall be responded to in 5 business days on each level". Grievances have not been coming back within 5 days and Appeal grievances don't come back at all. I submitted an Appeal grievance for grievance #202003603-010 and never received a response or the grievance submitted with it. I also submitted another Appeal grievance in regards to grievance #20200811-001 and I still have not received a response. I would like to know what's going on with these grievance Appeals and a written response from the respective official and all the paperwork submitted with the appeal grievances. Again Thank you for your response and have a great day.

II. Have informal resolution procedures been exhausted? Yes No

Who did you talk to in an attempt to informally resolve your complaint?

Name and title: CO Lovell C

Date: 8/31/20

What was their response? There is nothing he can do

Name and title:

Date:

What was their response?

Sergeant's name: Sgt Aloe

Date: 8/31/20

What was their response? There is nothing he can do.

III. Why has informal resolution not been successful and what specific relief are you seeking?

Informal resolution has not been successful due to the fact of not getting responses to my appeal grievances to avoid future litigation. Also not getting grievances and appeal grievances within 5 business days as stated in the jail handbook. I am requesting to get my responses to those Appeal grievances and return everything that was submitted with those Appeal grievances.

NOTE: A FALSE STATEMENT MAY RESULT IN DISCIPLINARY ACTION

Inmate's Signature: Micael Rawls

Date: 8/31/20

The following is completed by the investigating official:

IV. Your grievance is being returned and was not processed for the following reason(s):

You have not attempted informal resolution

Your grievance has been ruled "non-grievable"

Grievable time period has expired

You did not provide sufficient details, i.e., what, when, who, etc.

No specific relief is stated

This issue has already been grieved by you (Grievance #)

Your grievance was not completely filled out

You did not provide any specific "action requested"

You requested resolution on more than one issue

Other (explanation provided) _____

V. Decision: Denied Granted Dismissed Resolved

Explanation: _____

IF DISSATISFIED WITH THIS DECISION, YOU MAY FILE AN APPEAL WITHIN SEVEN (7) WORKING DAYS OF RECEIPT OF THIS RESPONSE BY COMPLETING THE GRIEVANCE APPEAL FORM.

Signature and Title: _____ Date: _____

Date Returned to Inmate: _____ Staff Member: _____

Submitted in
Grievance box
8/13/2020

LACKAWANNA COUNTY PRISON
INMATE GRIEVANCE APPEAL FORM

Form LCP-002

For Official Use Only

Grievance #:

Date Received:

Inmate's Name: Mico L. Reeves

Date: 8/12/2020

Grievance #: 20200811-001

Housing Unit: D-30

After attempting to resolve a grievance in accordance with the formal grievance process, an inmate may file an appeal through the grievance coordinator. This appeal shall be filed with seven (7) working days of receipt of the initial grievance response. Initial grievance responses shall be considered received by the inmate one (1) working day after the work day on which they are sent (e.g., grievance responses sent to an inmate on Wednesday will be considered received by the inmate on Thursday).

Reason(s) for Appeal

I. List the reason(s) why the prior administrative grievance decision is not acceptable. Additional paper may be used, maximum two pages (one LCP-002 form and one one-sided 8 1/2" x 11" page).

I am filing this grievance appeal because not enough action was taken by the reviewing official. I gave precise detail, exact time, and date of said event. Cameras are posted all through the Pod. If something happens you should be able to go back and check the cameras to verify what happened. I also feel as though the chil does not take legal mail seriously and do not know the significance of opening up legal mail outside of an inmates presence. There is no guarantee the chil can provide to ensure this will not happen again. Michael Esposito violated Federal law (28 C.F.R 540.19) and is not even removed or relieved of his duties due to his lack of competence and disregard for Federal law.

II. Resolution Requested: I would like all my Civil rights restored. I am asking \$5,000.00 for compromising my case and putting my future freedom in jeopardy. Lastly I would like Michael Esposito to be removed from prison mail duties. I also want a written reply within 5 business days as stated in Prison Handbook (Pg 11). The last appeal I put in never received a response or copy of the things I submitted with the Appeal Grievance. (2020Q603-070).

NOTE: A FALSE STATEMENT MAY RESULT IN DISCIPLINARY ACTION.

Inmate's Signature:

MicRLeone

Date: 8/12/2020

The following is completed by the responding official:

III. Grievance appeal decision:

RE TO R2G

Signature and Title:

Date:

Date Returned to Inmate:

Staff Member:

Mico L. Keaves ID# 2019-01326

Lackawanna County Prison
1371 North Washington Ave.
Scranton, PA 18509

Special Mail - (78 CFR SEC 540.19)

RECEIVED
SCRANTON

SEP 11 2020

PER *[Signature]*
DEPUTY CLERK



To: Peter J. Welsh (Clerk of Court)
United States District Court
for the

Middle District of Pennsylvania
William J. Nealon Federal Bldg & U.S. Courthouse
235 North Washington Avenue
P.O. Box 1148
Scranton, PA 18501-1148

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